

IMPROVING SAFETY IN PUBLIC SCHOOLS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

AN ACT RELATING TO PUBLIC SCHOOLS; PROVIDING THAT A STUDENT, WHO HAS BEEN EXPELLED FROM SCHOOL FOR A FIREARM, EXPLOSIVE, OR FLAMMABLE MATERIAL VIOLATION, AND THE STUDENT'S PARENT SHALL MEET WITH THE LOCAL SCHOOL BOARD SUPERINTENDENT OR THEIR DESIGNEE WITHIN 45 DAYS AFTER THE EXPULSION TO DETERMINE WHAT WOULD BE IN THE BEST INTEREST OF ALL PARTIES REGARDING THE STUDENT'S SCHOOLING OPTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-11-904, as last amended by Chapter 74, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-11-904** is amended to read:

53A-11-904. Grounds for suspension or expulsion from a public school.

(1) A student may be suspended or expelled from a public school for any of the following reasons:

- (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;
- (b) willful destruction or defacing of school property;
- (c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;
- (d) possession, control, or use of an alcoholic beverage as defined in Section 32A-1-105;

or

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with any such person, regardless of where it occurs.

(2) (a) A student shall be suspended or expelled from a public school for any of the

following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including the possession, control, or actual or threatened use of a real, look alike, or pretend weapon, explosive, or noxious or flammable material under Section 53A-3-502, or the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A secondary school student who commits a violation of Subsection (2)(a) involving a real~~[-look alike, or pretend]~~ firearm, explosive, or flammable material shall be expelled from school for a period of not less than one year~~[-unless the district superintendent determines, on a case-by-case basis, that a lesser penalty would be more appropriate].~~

(c) If an elementary school student commits a violation of Subsection (2)(a) involving a real or look alike firearm, explosive, or flammable material or if a secondary school student commits a violation of Subsection (2)(a) involving a look alike or pretend firearm, explosive, or flammable material, the student shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent or his designee, accompanied by a parent or legal guardian; and

(ii) the superintendent shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53A-11-907, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district and the student to modify the expulsion term to less than a year, conditioned on approval by the local school board and giving

highest priority to providing a safe school environment for all students.

(3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53A-11-102(1).

(5) (a) Each local school board shall prepare an annual report for the State Board of Education on:

(i) each violation committed under this section; and

(ii) each action taken by the school district against a student who committed the violation.

(b) The State Board of Education shall make an annual report by November 30 to the Legislature's Education Interim Committee on the information compiled under Subsection (5)(a).